

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

Hearing Date August 23, 2012

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In re:

Chapter 11

Case No. 08-13555 (JMP)

:
LEHMAN BROTHERS HOLDINGS, INC.,
et al.,

: (Jointly Administered)

:
Debtors.

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RESPONSE OF PETER HORNICK TO DEBTORS' 313TH OMNIBUS OBJECTION TO
RECLASSIFY CLAIMS AS EQUITY

STATE OF NEW YORK)

ss :

COUNTY OF NEW YORK)

PETER HORNICK, being duly sworn, deposes and says:

1. I hereby submit this response to the Debtors' 313th Omnibus Objection to my claim (claim no. 66971). My claim is for unpaid deferred compensation that was to be paid to me in the form of RSU's. I oppose the Debtors' objection that seeks to reclassify my claim as equity. I am entitled to my unpaid deferred compensation that was my wages.

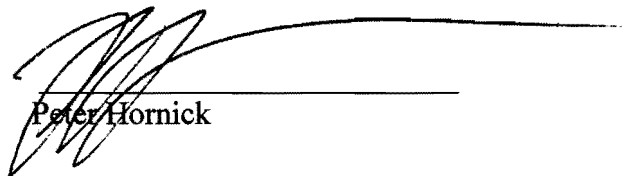
2. With respect to the timeliness of this response, after filing their objection, the Debtors sent me notice of an adjourned hearing date of August 23, 2012. I note that Local Bankruptcy Rule 9006 requires answering papers (when more than 14 days notice is given on a motion) be served 7 days before the return date. I also note that I have reviewed the Second Amended Order Implementing Certain Notice and Case Management Procedures in the Lehman case, and it too provides that the deadline to file an objection to any motion or pleading or other request for relief shall be 4:00 p.m. on the date that is 7 calendar days before the applicable

hearing date. This response complies with each of those requirements.

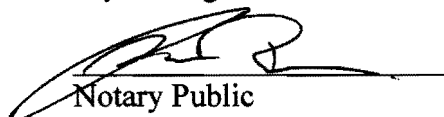
3. If this Court considers the July 6, 2012 date set forth in the Debtors' notice of omnibus objection as controlling here, I submit that it would be unfair to penalize me and consider my claim as having been defaulted. The date should be extended based upon the facts here. The Debtors adjourned the initial hearing date on my claim without entering an order of default. In the last couple of weeks, the Debtors served me with their proposed discovery procedures order. It appears the Debtors still consider me an RSU Claimant; otherwise I would not have received the proposed order. Also, in recent months, I have experienced personal financial circumstances that prevented me from initially retaining counsel. I did my best to comply with any filing requirements based upon documents that were sent to me.

4. I have diligently pursued my claim in this case. I timely filed my proof of claim in September 2009. After that, I supplemented my proof of claim with additional information in July 2010. It has always been my intention to pursue and defend my claim for unpaid compensation.

5. Based upon the foregoing, it is requested that the Court consider this Response and deny the Debtors' 313th Omnibus Objection to Claim.


Peter Hornick

Sworn to before me this 16
day of August 2012


Notary Public

SHAWN BASS
Notary Public, State of New York
No. 01BA6186624
Qualified in Suffolk County
Commission Expires May 5, 20 16